



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/6/2004, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/7-103

from Ch. 110, par. 7-103

Amends the Code of Civil Procedure. Makes technical changes in a Section concerning "quick-take" eminent domain powers.

LRB093 16862 RCE 42516 b

1 AN ACT in relation to quick take.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 7-103 as follows:

6 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

7 Sec. 7-103. "Quick-take".

8 (a) This Section applies only to proceedings under this  
9 Article that are authorized in the Sections following this  
10 Section and preceding Section 7-104.

11 (b) In a proceeding subject to this Section, the plaintiff,  
12 at any time after the complaint has been filed and before  
13 judgment is entered in the proceeding, may file a written  
14 motion requesting that, immediately or at some specified later  
15 date, the plaintiff either be vested with the fee simple title  
16 (or such lesser estate, interest or easement, as may be  
17 required) to the real property, or specified portion thereof,  
18 which is the subject of the proceeding, and be authorized to  
19 take possession of and use such property; or only be authorized  
20 to take possession of and to use such property, if such  
21 possession and use, without the vesting of title, are  
22 sufficient to permit the plaintiff to proceed with the project  
23 until the final ascertainment of compensation; however, no land  
24 or interests therein now or hereafter owned, leased, controlled  
25 or operated and used by, or necessary for the actual operation  
26 of, any common carrier engaged in interstate commerce, or any  
27 other public utility subject to the jurisdiction of the  
28 Illinois Commerce Commission, shall be taken or appropriated  
29 hereunder by the State of Illinois, the Illinois Toll Highway  
30 Authority, the sanitary district, the St. Louis Metropolitan  
31 Area Airport Authority or the Board of Trustees of the  
32 University of Illinois without first securing the approval of

1 such Commission.

2 Except as otherwise hereinafter stated in this Section, the  
3 motion for taking shall state: (1) an accurate description of  
4 the property to which the motion relates and the estate or  
5 interest sought to be acquired therein; (2) the formally  
6 adopted schedule or plan of operation for the execution of the  
7 plaintiff's project; (3) the situation of the property to which  
8 the motion relates, with respect to the schedule or plan; (4)  
9 the necessity for taking such property in the manner requested  
10 in the motion; and (5) if the property (except property  
11 described in Section 3 of the Sports Stadium Act, or property  
12 described as Site B in Section 2 of the Metropolitan Pier and  
13 Exposition Authority Act) to be taken is owned, leased,  
14 controlled or operated and used by, or necessary for the actual  
15 operation of, any interstate common carrier or other public  
16 utility subject to the jurisdiction of the Illinois Commerce  
17 Commission, a statement to the effect that the approval of such  
18 proposed taking has been secured from such Commission, and  
19 attaching to such motion a certified copy of the order of such  
20 Commission granting such approval. If the schedule or plan of  
21 operation is not set forth fully in the motion, a copy of such  
22 schedule or plan shall be attached to the motion.

23 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;  
24 92-16, eff. 6-28-01.)